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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,929	06/29/2006	Aweke Negash Lemma	NL040090	2428

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BRIARCLIFF MANOR, NY 10510

EXAMINER

TABATABAI, ABOLFAZL

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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07/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,929	Applicant(s) LEMM ET AL.	
	Examiner ABOLFAZL TABATABAI	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Levy (U. S. 7,142,691 B2).

Regarding claim 1, Levy discloses a method of allocating payload space, the method including steps of:

(a) obtaining identification parameters relating to programme data content (PC), (please note, to column 6, lines 1-17) said identification parameters including at least one or more user identifiers (UID) and one or more programme content identifiers (CID) (please note, to column 5, lines 62-67 and column 6, lines 1-17);

(b) storing said identification parameters (UID, CID) in one or more databases (30) (please note, to column 6, lines 15-15);

(c) generating one or more transaction numbers (nTR) (please note, to column 6, lines 1-17) capable of being uniquely mapped to corresponding identification parameters (UID, CID) stored in the one or more databases (30) (please note, to column 6, lines 20-30); and

(d) generating watermark information for carrying said one or more transaction numbers (nTR) and embedding said watermark information as an optimized payload (OPL) (please note, to column 6, lines 40-50) into said programme data content (PC) to generate corresponding watermarked data content (WPC) (please note, to column 4, lines 1-29).

Regarding claim 2, Levy discloses a method according to claim 1, further comprising a step of supplying said watermarked programme content (WPC) to one or more users (220), wherein the one or more transaction numbers (nTR) are capable of being detected in the water marked programme content (WPC) when received by said one or more users (220) for use in accessing corresponding identification parameters (UID, CID) stored in the one or more databases (30) (please note, to column 5, lines 62-67; column 6, lines 1-17 and column 8, lines 39-43).

Claim 3 is similarly analyzed as claim 1 above.

Regarding claim 4, Levy discloses a method according to claim 1, wherein verification of the identification parameters (IUD, CID, FP) with the watermarked programme content (WPC) at the one or more users (220) is implemented as an automatic process without the one or more users (220) needing to intervene (please note, to column 10, lines 13-16).

Claim 5 is similarly analyzed as claim 1 above.

Regarding claim 6, Levy discloses a method according to claim 1, wherein the one or more transaction numbers (nTR) are included in the watermarked programme content (WPC) after being encrypted with an encryption key (KPL) (please note, to column 6, lines 56-62).

Claim 7 is similarly analyzed as claim 1 above.

Claim 8 is similarly analyzed as claim 1 above.

Regarding claim 9, Levy discloses a Watermarked programme content (WPM) including a watermark whose payload space is allocated optimally according to a method of claim 1 (please note, to column 6, lines 56-62).

Claim 10 is similarly analyzed as claim 1 above.

Regarding claim 11, Levy discloses a Software executable on one or more computing devices for implementing the method of claim 1 (please note, to column 10, lines 57-61).

Claim 12 is similarly analyzed as claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

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various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (U. S. 7,142,691 B2) in view of Barr et al (U. S. 2004/0039914 A1).

Regarding claim 13, Levy discloses a method of authenticating watermarked programme content (WPC) whose embedded watermark information includes an optimised payload (OPL) including one or more transaction numbers (nTR) which are mapped; preferably uniquely mapped, to corresponding identification parameters (UID, CID, FP) stored in one or more databases, the method including steps of:

(a) receiving the watermarked programme content (WPC) at one or more authorized users (please note, to column 5, lines 62-67 and column 6, lines 1-17);

(b) extracting watermark information from the received watermarked programme content (WPC) (please note, to column 1, lines 49-53);

(c) determining a payload (OPL) included in the watermark information, said payload including one or more transaction numbers (nTR) (please note, to column 6, lines 56-62);

However, Levy is silent about the specific details regarding the steps of:

(d) using said one or more transaction numbers (nTR) to access corresponding identification parameters from said one or more databases (30), said identification parameters (UID, CID, FP) including a program content fingerprint (FP);

(e) obtaining a locally extracted fingerprint (FPL) of said received watermarked program content (WPC);

(f) checking whether or not said locally extracted fingerprint (FPL) matches said program content fingerprint (FL) obtained from said one or more databases (30) to determine authenticity of the watermarked programme content (WPC).

On the other hand Barr discloses the steps of:

(d) using said one or more transaction numbers (nTR) to access corresponding identification parameters from said one or more databases (30), said identification parameters (UID, CID, FP) including a program content fingerprint (FP) [page 7, paragraphs (0070); (0073) and page 8, paragraph (0081)];

(e) obtaining a locally extracted fingerprint (FPL) of said received watermarked program content (WPC) [page 7, paragraphs (0070); (0073) and page 8, paragraph (0081)];

(f) checking whether or not said locally extracted fingerprint (FPL) matches said program content fingerprint (FL) obtained from said one or more databases (30) to determine authenticity of the watermarked programme content (WPC) [page 7, paragraphs (0070); (0073) and page 8, paragraph (0081)].

It would have been obvious to a person of ordinary skill in the art at the time the

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invention was made to use fingerprint extraction as taught by Barr in the system of Levy because Barr provides Levy an improved system for enhancing template extraction and comparison in the context of photo identification documents by fusing the digital watermark with the image in which it is embedded using an image signature.

Other Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhoads et al (U. S. 6,522,769) disclose reconfiguring a watermark detector.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (571) 272-7458.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Samir Ahmed, can be reached at (571) 272-7413. The fax phone number for organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Abolfazl Tabatabai/

Primary Examiner, Art Unit 2624

July 7, 2009